

DEPARTMENT OF SAFETY AND PERMITS  
**CITY OF NEW ORLEANS**

LATOYA CANTRELL  
MAYOR

ZACHARY SMITH  
DIRECTOR

## ZONING INTERPRETATION MEMORANDUM

Memorandum Z-18-03

DATE: October 9, 2018

FROM: Zachary Smith, AIA, Director

RE: State Licensure Requirements for Independent Living Facilities Required By the Comprehensive Zoning Ordinance

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The Comprehensive Zoning Ordinance (CZO) defines a residential care facility as “a group care facility *licensed by the state* for twenty-four (24) hour medical care or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.” CZO Article 26.6 (emphasis added). The definition further sets out categories of residential care facilities: “A residential care facility includes independent living, assisted living, hospice facilities, nursing homes, residential abuse addiction treatment facilities, and continuum of care facilities.” Use standards for residential care facilities expressly incorporate the regulations of the Louisiana Administrative Code. CZO Article 20.3.YY.

The relevant portions of the Louisiana Administrative Code (LAC), Section 48:6801 *et seq.*, do not regulate or license independent living facilities, as contemplated by Article 26 of the CZO. Because of the express incorporation of the LAC, it is the interpretation of the Director that independent living facilities are exempt from the licensure requirement portion of the definition. All other requirements included therein still apply to independent care facilities. It is important to note that should the LAC change in this regard, reconsideration of this position will be required.

Furthermore, this Department has previously opined on the classification of residential care facilities for purposes of applying bulk and yard regulations (see Zoning Interpretation Memorandum Z-17-06). The Director believes that the classification scheme set forth therein, which characterizes independent living facilities as those which “include amenities, including individual culinary facilities, which allow each unit to operate independently from other units,” applies in this context, as well as in the context of bulk and yard standards, and hereby expressly incorporates it into this Memorandum.

Consequently, it is the determination of the Director that independent living facilities, which are defined as facilities which include amenities, including individual culinary facilities, which allow each unit to operate independently from other units, do not have to demonstrate state licensure under the CZO, but must meet all other requirements of the definition set forth therein.

